

ORDINANCE NO. 99 - 29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TEXT OF THE FOLLOWING ELEMENTS THE TRANSPORTATION; UTILITY; INTERGOVERNMENTAL COORDINATION; HOUSING; LIBRARY; HEALTH AND HUMAN SERVICES (TO REVISE FOR CONSISTENCY WITH THE MANAGED GROWTH TIER SYSTEM); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on February 12, February 19, and March 12, 1999, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 30, 1999, to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and

comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 21, 1999, the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 18, 1999, which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 17, 1999, the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Elements of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

- A. **Transportation Element**, to revise for consistency with the Managed Growth Tier System; and
- B. **Utility Element**, to revise for consistency with the Managed Growth Tier System;
- C. **Intergovernmental Coordination Element**, to revise for consistency with the Managed Growth Tier System;
- D. **Housing Element**, to revise for consistency with the Managed Growth Tier System;

1 E. Library Element, to revise for consistency with the Managed
2 Growth Tier System;

3 F. Health and Human Services Element, to revise for consistency
4 with the Managed Growth Tier System; and

5 G. Amending all elements as necessary for internal consistency.

6 Part II. Repeal of Laws in Conflict

7 All local laws and ordinances applying to the unincorporated area
8 of Palm Beach County in conflict with any provision of this ordinance
9 are hereby repealed to the extent of such conflict.

10 Part III. Severability

11 If any section, paragraph, sentence, clause, phrase, or word of
12 this Ordinance is for any reason held by the Court to be
13 unconstitutional, inoperative or void, such holding shall not affect
14 the remainder of this Ordinance.

15 Part IV. Inclusion in the 1989 Comprehensive Plan

16 The provision of this Ordinance shall become and be made a part
17 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
18 Ordinance may be renumbered or relettered to accomplish such, and the
19 word "ordinance" may be changed to "section," "article," or any other
20 appropriate word.

21 Part V. Effective Date

22 The effective date of this plan amendment shall be the date a
23 final order is issued by the Department of Community Affairs or
24 Administration Commission finding the amendment in compliance in
25 accordance with Section 163.3184, Florida Statutes, whichever occurs
26 earlier. No development orders, development permits, or land uses
27 dependent on this amendment may be issued or commence before it has
28 become effective. If a final order of noncompliance is issued by the
29 Administration Commission, this amendment may nevertheless be made
30 effective by adoption of a resolution affirming its effective status,
31 a copy of which resolutions shall be sent to the Department of

1 Community Affairs, Bureau of Local Planning, 2740 Centerview Drive,
2 Tallahassee, Florida 32399-2100. APPROVED AND ADOPTED by the Board
3 of County Commissioners of Palm Beach County, on the 17 day of
4 August, 1999.

5 ATTEST:
6 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

7 By: Joan Hawley
8 Deputy Clerk

By: Maudie Ford Lee
Chair

9 APPROVED AS TO FORM AND
10 LEGAL SUFFICIENCY

11 [Signature]
12 COUNTY ATTORNEY



13 Filed with the Department of State on the 25th day
14 of August, 1999.

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EXHIBIT 1

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A. Transportation Element, Managed Growth Tier System Revisions

REVISIONS: To revise for consistency with the Managed Growth Tier System. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

OBJECTIVE 1.2 Level of Service Exceptions

1. **REVISED Policy 1.2-e:** The Board of County Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. Often, the unintended consequence of the transportation facilities concurrency requirement is the redirection of growth and development from the urban area to the suburban, exurban and rural areas, thereby discouraging urban infill development, and urban revitalization and redevelopment, ~~and downtown revitalization~~. Consequently, this policy provides for exceptions from the transportation facilities concurrency requirements of the Comprehensive Plan and Unified Land Development Code. However, the proposed project must, ~~be for a project that is,~~ at a minimum be:

1. Internally consistent with the County's Comprehensive Plan, and if the project is located within a municipality, consistent with the County's s and with the Municipality's Comprehensive Plans; and,
2. Integrally related to the provision of public transportation.

The specific guidelines and standards for granting an ~~total~~ exception from the transportation facilities concurrency requirements, pursuant to this policy, are detailed in the Transportation Element Support Document.

OBJECTIVE 1.4 Roadway System

2. **NEW Policy 1.4-q:** The Traffic Division shall evaluate and consider studies which provide information for the consideration of alternative methods to determine trip generation and internal capture rates within a specified area where there is a functional relationship for proposed development within existing urbanized areas characterized by a need for restoration, infill and adaptive reuse.
3. **NEW Policy 1.4-r:** Traffic Division shall consider and implement traffic calming measures, where feasible and appropriate, to reduce vehicular speed and encourage safety.
4. **NEW Policy 1.4-s:** By January 2000, the Traffic Division, and the Planning Division in conjunction with the appropriate special districts, shall conduct a study to identify, evaluate, and if feasible, adopt design criteria for County thoroughfares within the Exurban and Rural Tiers. The design criteria shall accommodate future transportation planning needs to ensure that the cross-section and alignment of the roads preserves the rural residential lifestyle, sense of place and quality of life within the Tiers and adjacent areas.

Design requirements to be considered include, but are not limited to:

1. Appropriate roadway cross-sections which incorporate and preserve native vegetation;
2. Traffic calming devices to maintain lower travel speeds; and
3. Parkways that accommodate multi-purpose bicycle, pedestrian and/or equestrian paths that are planned to serve primary origination and destination points for specific types of path usage.
5. **NEW Policy 1.4-t:** To further protect the Rural Tier communities from the impacts of surrounding development and to prevent encroachment of incompatible uses, proposed roads which are intended to serve as arterials or collectors and which pass through existing rural communities shall be aligned, where feasible, along the periphery of the existing community and not sited so that they bisect rural communities.

6. **NEW Policy 1.4-u:** By December 2000, the County shall establish provisions in the Unified Land Development Code (ULDC) which provide for:
1. distinct design sections for the various classification of a roadway that reflect the character and are compatible with the Tier through which it passes; and
 2. specific design criteria for roadways designated as a Traditional Marketplace corridors.

OBJECTIVE 1.5 Transit System

7. **REVISED Policy 1.5-r:** The County will promote the designation of land uses and densities which are supportive of mass transit in areas around roadways which have been designated as public transportation corridors in the Comprehensive Plan.
8. **NEW Policy 1.5-s:** Palm Tran shall continue to program to shorten headways during peak hours.
9. **NEW Policy 1.5-t:** Palm Tran shall explore providing altered routes to address home-to-work commutes between neighborhoods and employment centers.

OBJECTIVE 1.13 Transportation Funding

10. **Policy 1.13-c:** The County shall develop, adopt and annually update a Five-Year Road Improvement Program that shall include roads that are currently "over capacity" and facilities that are required to accommodate projected traffic increases so as to maintain acceptable level of service. This program shall be based on the following criteria:
- Whether the volume-to-capacity (V/C) ratio of the roadway is greater than 1.0;
 - Whether the roadway is planned as a reliever for roads with a V/C ratio greater than 1.0;
 - Whether the link provides system continuity;
 - Correction of a public hazard; or,
 - The feasibility of relying on alternative modes of transportation to address any identified V/C ratio capacity problems.

When determining road improvements to be included in the Five Year Road Program and companion 6 Year Road Improvement Schedule, projects outside the Urban Service Area shall receive lower priority than similar projects in the Urban Service Area. This prioritization shall be applied only when projects have similar volume to capacity ratios.

11. **NEW Policy 1.13-m:** Palm Tran shall continue to seek grant funding from the U.S. Department of Transportation to provide transportation to assist in welfare-to-work initiatives. Sources of funding may include grants, such as the Transit Capital Improvement Grants and Federal Transit Operating Assistance Formula Grants.
12. **NEW Policy 1.13-n:** In order to preserve the sense of place and function that unpaved local roads provide in the Exurban and Rural Tiers, the County shall limit funding of paving and maintaining of roads to those classified as, or higher than, a Rural Major Collector as defined on the Federal Functional Classification List, unless otherwise deemed appropriate by the Board of County Commissioners to protect the safety and welfare of the residents.

B. Utility Element, Managed Growth Tier System Revisions

REVISIONS: To revise for consistency with the Managed Growth Tier System. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

POTABLE WATER & WASTEWATER SUB-ELEMENT

1. OBJECTIVE 1.2 Potable Water - Levels of Service: Capacity

Level of service standards for potable water shall be adopted for purposes of determining capacities required for issuance of development orders, pursuant to Capital Improvement Policies 1.2-d and 1.2-e in the Capital Improvement Element. Concurrency for potable water may be satisfied through an Urban, Limited Urban or Rural Level of Service Standard depending upon the Service Area designation. A centralized potable water utility system represents the Urban Level of Service or a Limited Urban Level of Service. An on-site water-well represents the Rural Level of Service. The Urban, Limited Urban, and Rural Service Areas are depicted on the map entitled "Rural Service Areas Map", included in the Official Comprehensive Plan Map Series and defined in Land Use Goal 3.

2. **Policy 1.2-a:** The minimum levels of service for within the Urban Service Area shall be those ~~contained~~ described in Table 1: *Minimum Level of Service Standards for Potable Water*. ~~The Urban Service Area is depicted on the Map entitled "Urban and Rural Service Areas", included in the comprehensive Plan Map Series.~~

3. **Policy 1.2-f:** The minimum level of service within the Limited Urban Service Area shall be either an on-site potable water-well or a potable water utility system. If a centralized potable water utility system is utilized, then the standards described in Table 1: *Minimum Level of Service Standards for Potable Water* shall apply. If a new utility provider is utilized Table 1 shall be amended to accurately reflect the appropriate level of service which shall be met in the area.

4. ~~Policy 1.5-a~~ **Policy 1.2-g:** The minimum level of service for development Orders ~~identified in Policies 2-d and 2-e~~ Policies 1.2-d and 1.2-e in the Capital Improvement Element; within the Rural Service Area, ~~is shall be~~ an onsite potable water-well permitted and operated in conformance with State and County regulations. There shall be no minimum levels of service for fire flow or storage in the Rural Service Area.

5. OBJECTIVE 1.3 Sanitary Sewer - Level of Service: Capacity

Level of service standards for ~~sanitary sewer~~ wastewater shall be adopted for purposes of determining capacities required for issuance of Development Orders, pursuant to ~~Policies 2-g and 2-h~~ Capital Improvement Policies 1.2-d and 1.2-e in the Capital Improvement Element. Concurrency for sanitary sewer wastewater service may be satisfied through either an Urban or a Rural Level of Service Standard, depending upon the Service Area designation. A centralized sanitary sewer wastewater system represents the Urban Level of Service; an onsite sewage treatment and disposal system represents the Rural Level of Service. The Urban, Limited, and Rural Service Areas are depicted on the Service Areas Map, included in the official Comprehensive Plan Map Series and defined in Land Use Goal 3.

6. **Policy 1.3-a:** The minimum levels of service within the Urban Service Area shall be those ~~contained~~ described in Table 2: *Minimum Level of Service for Sanitary Sewer*. ~~The Service Area is depicted on the Map entitled "Urban and Rural Service Areas", included in the Comprehensive Plan Map Series.~~

7. **Policy 1.3-d:** The minimum level of service within the Limited Urban Service Area shall be an "on-site sewage disposal system" permitted in accordance with State and local regulations as administered by the Palm Beach County Public Health Department or a centralized sanitary sewer wastewater system. If a centralized wastewater utility system is utilized, then the standards described in Table 2: *Minimum Levels of Service for Sanitary Sewer* shall apply. If a new utility provider is utilized Table 2 shall be amended to accurately reflect the appropriate level of service which shall be met in the area.

8. ~~Policy 1.5-b~~ **Policy 1.3-e:** The minimum level of service for development Orders identified in Policies 2-g and 2-h ~~Policies 1.2-d and 1.2-e~~ in the Capital Improvement Element, within the Rural Service Area, is an onsite-septic tank sewage treatment and disposal system" permitted and operated in conformance with State and County regulations, as permitted by the Public Health Department. Development Orders will shall not be issued if there is a demonstrated public health hazard in the area.

9. ~~OBJECTIVE 1.5 Level of Service: Rural Service Area [9J-5.005(3), F.A.C.]~~

~~The following levels of service for the Rural Service Area have been adopted for consistency with provisions in the Land Use and Capital Improvement elements, and for compliance with State and County regulations:~~

~~Policy 1.5-a:~~ The minimum level of service for Development Orders identified in Policies 1.2-d and 1.2-e in the Capital Improvement Element, within the *Rural Service Area*, is ~~an on-site potable water well~~ permitted and operated in conformance with state and County regulations. There shall be no minimum levels of service for fire flow or storage in the Rural Service Area. ~~[9J-5.005(3), F.A.C.]~~

~~Policy 1.5-b:~~ The minimum level of service for Development Orders identified in Policies 1.2-d and 1.2-e in the Capital Improvement Element, within the *Rural Service Area*, is ~~a septic tank~~ permitted and operated in conformance with state and County Regulations, as permitted by the PBCHD. Development Orders will not be issued if there is a demonstrated public health hazard. ~~[9J-5.005(3), F.A.C.]~~

10. **OBJECTIVE 1.7 Conditions for the provision of potable water and /or sanitary sewer and for the corrections of existing and potential deficiencies**

Policy 1.7-d: At the time of submittal of a land use amendment the applicant shall notify the Planning Division, and the Public Health Department if a central water utility or sanitary sewer service is proposed anywhere in unincorporated Palm Beach County, outside the Urban Service Area.

11. **OBJECTIVE 1.9 Package Treatment Plants**

Palm Beach County shall regulate the location of package treatment plants and shall limit their use to serve development required to balance the land uses in a given locale.

Policy 1.9-a: The use of package treatment plants shall be prohibited within the Urban Service Area.

Policy 1.9-b: Package treatment plants shall be prohibited in the Limited Urban Services Area, except for:

- (1) the United Technology Corporation Protection Overlay;
- (2) the North County General Aviation Facility; and
- (3) for use by schools, as if determined appropriate on a case by case basis.

Policy 1.9-c: In the Everglades Agricultural Area, and other land dedicated to agricultural production in unincorporated Palm Beach County, the use of package plants shall be limited to serve essential public facilities and bonafide agricultural uses.

Policy 1.9-d: All package treatment plants shall be maintained by the Water Utilities Department, special district, or by the public utility that has legal authority for providing potable water or sanitary sewer services in the area; or by a tri-party agreement between the developer or the affected bona fide agricultural use, Palm Beach County, and a special district.

STORMWATER MANAGEMENT SUB-ELEMENT

12. OBJECTIVE 3.1 Coordination with Special Districts

Palm Beach County shall coordinate with special districts in addressing stormwater and surface water management ~~situations~~ issues.

13. **Policy 3.1-c:** The Planning, Zoning, and Building Department shall improve coordination with special districts during the review of applications for land use amendments, to confirm consistency with the Comprehensive Plan and that proposed projects can be adequately served. The County shall seek written confirmation from the special district that it has adequate stormwater capacity to serve new development pursuant to the Comprehensive Plan and the Unified Land Development Code.

14. OBJECTIVE 3.2 Assessment of Stormwater Management Programs

Policy 3.2-c: The County recognizes the need to retrofit stormwater management facilities within some existing developed areas where the prevalence of small lots and the inability to achieve legal positive outfall preclude these areas from meeting current regulatory standards. The Engineering Department shall work with the South Florida Water Management District, any appropriate special districts and the Florida Department of Environmental Protection to develop alternative water discharge and control standards for stormwater management for these areas.

C. Intergovernmental Coordination Element, Managed Growth Tier System Revisions

REVISIONS: To revise for consistency with the Managed Growth Tier System. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck-out~~.

OBJECTIVE 1.1 Plan Coordination

1. **NEW Policy 1.1-k:** The Planning Division shall work with the League of Cities, the Metropolitan Planning Organization and Intergovernmental Plan Amendment Review Committee (IPARC) to increase awareness of the Managed Growth Tier System.
2. **NEW Policy 1.1-l:** The County shall support efforts to integrate land use and water resource planning to ensure the availability of water for regional water management purposes. Accordingly, the SFWMD shall be designated as a commenting agency on large scale plan amendments and shall be encouraged to provide comments prior to any action on the amendment by the Land Use Advisory Board, or the Board of County Commissioners.

OBJECTIVE 1.4 Annexation

3. **NEW Policy 1.4-m:** The County shall encourage the annexation of neighborhoods in the Revitalization and Redevelopment Overlay through the use of incentives. The Planning Division shall work in partnership with the municipalities to investigate and develop incentives which include, but are not limited to, collaborative code enforcement efforts, economic development, community outreach assistance and/or neighborhood revitalization and redevelopment programs.

OBJECTIVE 2.1 Glades Enhancement and Economic Diversification

4. **DELETED (Relocated to the Future Land Use Element) Policy 2.1-c:** ~~By December 1999 the County shall review and revise the Glades Economic Overlay zone to increase opportunities for establishing home based businesses and other mixed land uses.~~
5. **DELETED (Relocated to the Future Land Use Element) Policy 2.1-e:** ~~The County's Planning Division shall explore the creation of a Glades Sub-element in cooperation with the cities of Belle Glade, South Bay and Pahokee, and other local and regional organizations to provide an overall plan for promote the revitalization of the Glades area. The County would work with the existing communities to jointly plan to encourage timely and managed growth in order to and to urban sprawl and to address the unique character and problems of the unincorporated Glades area.~~

D. Housing Element, Managed Growth Tier System Revisions

REVISIONS: To revise for consistency with the Managed Growth Tier System. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

OBJECTIVE 1.1 Provision for Affordable Housing

NEW - Policy 1.1-w: By December 1999, the Planning Division and the Department of Housing and Community Development shall commence work with the Commission on Affordable Housing to develop housing policies for incorporation into the Plan that will be consistent with and further the goals of the Tier System.

E. Library Services Element, Managed Growth Tier System Revisions

REVISIONS: To revise for consistency with the Managed Growth Tier System. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Objective 1.4: Level of Services: Facilities

REVISED - Policy 1.4-c: The Library shall prepare a needs assessment study in connection with Phase II of the Library Expansion Program. This study shall include an evaluation of the need to provide services in or near the Exurban Tier.

F. Health and Human Services Element, Managed Growth Tier System Revisions

REVISIONS: To revise for consistency with the Managed Growth Tier System. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Objective 5.1 Service Delivery System

NEW - Policy 5.1-j: The Department of Community Services, in conjunction with appropriate agencies, shall continue to develop and implement programs that encourage public/private partnerships for the purpose of creating community-based programs for special needs populations including, but not limited to, seniors, children, and migrant and seasonal farm workers. Accomplishment of this policy is contingent upon budget availability if additional resources are required.

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STATE OF FLORIDA, COUNTY OF PALM BEACH,
I, DOROTHY H. WILKEN, ex-officio, Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 8-17-99
DATED at West Palm Beach, FL. on 9-7-99
By Dorothy H. Wilken D.C.

